

fact that they will be committing a felony. If the consequence is enough of a deterrent, we will have better compliance and the privacy of every American will be better protected.

Let me explain specifically what the amendment does. One, it makes it illegal to photograph, record, and subsequently distribute the images taken by body scan machines in an airport or any Federal building.

Two, it imposes a penalty of up to 1 year in prison and up to a \$100,000 fine for those who inappropriately collect and distribute these images.

Three, it says that any individual who is acting within the course and scope of their employment is not breaking the law by saving these images or sending them if the purpose for doing so is to use these images in a criminal investigation or prosecution.

By adopting this amendment, we will be telling the American people and my constituents that we are not going to ignore or compromise their privacy in the process of making sure we have safe airports and Federal buildings. Our amendment takes a commonsense approach to addressing this issue and why I am seeking its inclusion in the FAA authorization.

I thank the chairman and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, in that we have a short reception at 4:30 and then we are going to judges, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VISIT TO THE SENATE BY THE PRIME MINISTER OF THE REPUBLIC OF SLOVENIA, THE HONORABLE BORUT PAHOR

Mr. HARKIN. Mr. President, today we are honored to have as our guest the Prime Minister of the Republic of Slovenia, the Honorable Borut Pahor. He is the sixth Prime Minister since Slovenia won independence in 1991.

As many of my colleagues know, the Republic of Slovenia holds a very special place in my heart. My mother came to America from the village of Siha in what is now Slovenia nearly 90 years ago, and I have been tremendously impressed with the great strides Slovenia has made since breaking away from the former Yugoslavia. For the last 2 years, Prime Minister Pahor with great skill has continued to lead his nation on a successful course of democratic and free market economics. So make no mistake, the success of independent Slovenia, like the success of the young American Republic two centuries ago, was no accident. It was

secured by visionary leaders and by a determined people. Nine decades ago, my mother left Slovenia—a Slovenia that was impoverished, ruled by autocrats, and dominated by foreign powers; a nation that sent forth immigrants desperate to find a better life. Today, a free, prosperous, and democratic Slovenia sends forth statesmen, diplomats, and humanitarians helping to build a better world.

Again, on behalf of the Senate, I welcome our honored guest, Prime Minister Pahor.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. HARKIN. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair so that we may welcome the Prime Minister of Slovenia and guests on the Senate floor.

There being no objection, the Senate, at 4:29 p.m., recessed subject to the call of the Chair and reassembled at 4:40 p.m. when called to order by the Presiding Officer.

#### EXECUTIVE SESSION

##### NOMINATION OF DIANA SALDANA TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

##### NOMINATION OF PAUL KINLOCH HOLMES III TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS

##### NOMINATION OF MARCO A. HERNANDEZ TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Diana Saldana, of Texas, to be United States District Judge for the Southern District of Texas, Paul Kinloch Holmes III, of Arkansas, to be United States District Judge for the Western District of Arkansas, and Marco A. Hernandez, of Oregon, to be United States District Judge for the District of Oregon.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

The Senator from Vermont.

Mr. LEAHY. Mr. President, today, the Senate will consider, and I anticipate confirm, 3 of President Obama's nominations to fill judicial vacancies on Federal district courts in Arkansas, Oregon, and Texas. All 3 of the nominations—P.K. Holmes to the Western Dis-

trict of Arkansas, Judge Diana Saldana to the Southern District of Texas, and Judge Marco Hernandez to the District of Oregon—will fill judicial emergency vacancies. Given the serious need on those courts, and the qualifications of these nominees, there is no reason they could not have been confirmed when they were nominated and reported unanimously by the Judiciary Committee last Congress. There is every reason for the Senate to act promptly now that President Obama has renominated them, the Judiciary Committee has reconsidered them, and they have again been reported to the Senate unanimously.

I am hopeful that our actions today signal a return to regular order in the consideration of nominations without unexplained and damaging delays. I am hopeful that this signals a return to cooperation to confront a judicial vacancies crisis that has put at serious risk the ability of all Americans to find equal access to a fair hearing in court. Chief Justice Roberts commented on this in his most recent statement on the judiciary. The White House counsel recently spoke to the crisis. The President wrote us last year urging action. The real costs of these unnecessary partisan delays fall on Americans who depend on the courts. Last September, President Obama wrote that these delays in Senate consideration of judicial nominees are “undermining the ability of our courts to deliver justice to those in need . . . from working mothers seeking timely compensation for their employment discrimination claims to communities hoping for swift punishment for perpetrators of crimes to small business owners seeking protection from unfair and anticompetitive practices.” The President was, and still is, right.

The Attorney General warned us last year that “the system on which we all depend for a prompt and fair hearing of our cases when we need to call on the law—is stressed to the breaking point.” The National Association of Assistant United States Attorneys, a group of career Federal prosecutors likewise wrote to us, stating that, “Our federal courts cannot function effectively when judicial vacancies restrain the ability to render swift and sure justice.”

As we consider these nominations today, there are still more than 100 vacancies in the Federal judiciary. Unlike the progress we made during President Bush's first 2 years in office when the Senate confirmed 100 judges and sharply reduced judicial vacancies, during the first 2 years of President Obama's term, we were only allowed to consider 60 judicial nominations. Despite vacancies for nearly 1 out of every 8 Federal judgeships, last year the Senate adjourned without voting on 19 judicial nominations favorably reported by the Judiciary Committee. The 3 judges we will confirm today were among those 19. They could and should have been confirmed last year.

The Senate must do better. We can consider and confirm this President's